

Docket No: LUTZ200750**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Raymond Gass et al.

TITLE : **METHOD FOR SENDING
CALLING COMMUNICATION
TERMINAL LOCATION DATA TO
CALL CENTER**

APPLICATION NO. : 10/589,027

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EXAMINER : Nguyen, Phung Hoang Joseph

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APPEAL BRIEF

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P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant submits this brief in connection with the appeal of the above-identified case.

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TABLE OF CONTENTS

	<u>Page</u>
I. REAL PARTY IN INTEREST	1
II. RELATED APPEALS AND INTERFERENCES	2
III. STATUS OF CLAIMS	3
IV. STATUS OF AMENDMENTS	4
V. SUMMARY OF CLAIMED SUBJECT MATTER.....	5
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	8
VII. ARGUMENT	9
A. Claim 1 Is Not Made Obvious By McCalmont	9
B. Claim 5 Is Not Made Obvious By McCalmont	12
C. Claim 15 Is Not Made Obvious By McCalmont	14
VIII. CLAIMS APPENDIX	18
IX. EVIDENCE APPENDIX	23
X. RELATED PROCEEDINGS APPENDIX.....	24

I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Alcatel, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 018326 / Frame 0161.

II. RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellants' representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 and 3-15 are on appeal.

Claims 1 and 3-15 are pending.

Claims 1 and 3-15 are rejected.

IV. STATUS OF AMENDMENTS

An Amendment After Final Rejection was filed on September 22, 2009. By an Advisory Action dated October 5, 2009 it was indicated that the request for reconsideration had been considered but it did not place the application in condition for allowance. The requested amendments, which addressed minor informalities in claim 1 and placed claim 5 in independent form, were entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a method of sending call center data representative of a location of a communication terminal (T). With reference to Figure 1 and accompanying description on pages 3-11, the method includes constituting and then sending to the call center (ECC): a signaling message requesting the setting up of a call between the terminal (T) and the call center (ECC), wherein the signaling message comprises an unambiguous call identifier, and a location message comprising data representative of the location of the calling terminal (T) and the unambiguous call identifier. The method further includes, in the call center (ECC), associating the signaling message and a location message received by the call center (ECC) and comprising the unambiguous call identifier. To constitute the signaling message comprising the unambiguous call identifier, the unambiguous call identifier is generated in a network node receiving the signaling message sent by the terminal (T) and requesting the setting up of a call. The unambiguous call identifier is integrated into the signaling message aimed at the call center (ECC) and requesting the setting up of a call, and, to constitute the location message comprising the unambiguous call identifier, the location message is generated and the unambiguous call identifier is integrated into the location message. Additionally, the signaling message is a text message (see, e.g., paragraph [0052], *inter alia*, of the published document; see also Figure 2 and related description).

Claim 5 is directed to a method of sending call center data representative of a location of a communication terminal (T). With reference to Figure 1 and accompanying description on pages 3-11, the method includes constituting and then sending to the call center (ECC): a signaling message requesting the setting up of a call between the

terminal (T) and the call center, wherein the signaling message comprises an unambiguous call identifier, and a location message comprising data representative of the location of the calling terminal (T) and the unambiguous call identifier. The method further includes, in the call center (ECC), associating the signaling message and a location message received by the call center (ECC) and comprising an unambiguous call identifier, characterized in that to constitute the signaling message comprising the unambiguous call identifier, the unambiguous call identifier is generated in a network node receiving the signaling message sent by the terminal (T) and requesting the setting up of a call, and the unambiguous call identifier is integrated into the signaling message aimed at the call center (ECC) and requesting the setting up of a call. To constitute the location message comprising the unambiguous call identifier, a location message is generated and the unambiguous call identifier is integrated into the location message. The signaling message is a text message that is sent via an SMS type short message (see, e.g., paragraph [0020], [0052], *inter alia*, of the published document; see also Figure 2 and related description).

Claim 15 is directed to a device for aiding the location of a communication terminal by a call center (ECC). With reference to Figure 1 and accompanying description on pages 3-11, the device includes means for receiving a signaling message sent by the terminal (T) and requesting the setting up of a call between the terminal and a call center and then determining an unambiguous call identifier in a network node, and instructing the sending of the unambiguous call identifier to said call center in the signaling message requesting the setting up of a call. Claim 15 also sets forth generating a text type message including data representative of the location of said

terminal and the unambiguous calling identifier, and instructing the sending of said text message to said call center so the said call center can associate the location data that it contains with said signaling message requesting the setting up of a call (see, e.g., paragraph [0052], inter alia, of the published document; see also Figure 2 and related description).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

- 1) Independent claim 1 stands rejected as being obvious under 35 U.S.C. §103(a) over McCalmont et al. (US 6,771,742).
- 2) Independent claim 5 stands rejected as being obvious under 35 U.S.C. §103(a) over McCalmont et al. (US 6,771,742).
- 3) Independent claim 15 stands rejected as being obvious under 35 U.S.C. §103(a) over McCalmont et al. (US 6,771,742).

VII. ARGUMENT

The invention facilitates the sending of data representative of the location of communication terminals (T) to a call center (ECC), without using information processing means in the terminals, via heterogeneous communication networks (RP, RPT). In the event of a request to set up a telephone call between a terminal (T) and the call center (ECC) by means of a dedicated calling number, a signaling message is sent to the call center for setting up the connection. The signaling message comprises a selected call identifier and a *text type message* (e.g., a standard text message, a short message service or "SMS" type text message, such as are sent from a wireless communication device or cell phone, or the like) including data representative of the location of the calling terminal (T) and the selected call identifier. At the call center, the signaling message received by the call center is associated with the location data contained in the text message received by the call center if the signaling message and the text message include the same call identifier.

A. Claim 1 Is Not Made Obvious By McCalmont

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over McCalmont *et al.* It is respectfully requested that this rejection be withdrawn for at least the following reasons. The cited reference fails to teach or suggest the claimed subject matter.

In response to the first Final Office Action dated March 20, 2009, Claim 1 was amended to recite that the signaling message is a text message (e.g., such as is sent

via a cellular network or the like). The Examiner cites column 16, lines 33-34, which state that additional caller information may include information that is delivered visually to a public safety answering point operator. The Examiner further contends that the visual information therefore is a text message. However, the visual information of McCalmont is not further described. Furthermore, nowhere in McCalmont is there mention of a text message, let alone a text message that is a signaling message. Absent such description, it is clear that McCalmont's visual information is not, and was not intended to be, a text message.

In the Advisory Action dated October 5, 2009, the Examiner provides further detail as to his rationale for rejecting independent claim 1, again citing the visually displayed information of McCalmont as obviating the claimed limitation of sending a signaling message as a text message, as recited in independent claim 1. However "text message" as used in independent claim 1 is consistent with the common understanding of the phrase as meaning a text message such as is commonly sent from, for example, a mobile phone or other personal computing/communication device (e.g., when one person "texts" another person). Clearly, merely displaying information visually to an operator (e.g., on a computer screen) where the displayed information happens to include caller identification information, does not obviate sending a signaling message via a text messaging communication protocol (e.g., a signaling message that is a text message) as set forth in independent claim 1.

Furthermore, the subject claims relate to setting up an emergency call by sending call center location data in a network. Data processing within a terminal thus can be mitigated, saving processing resources. To this end, independent claim 1

recites that *the unambiguous call identifier is generated in a network node receiving the signaling message* and that *the unambiguous call identifier is integrated into the signaling message*. In addition, independent claim 1 recites that *a location message is generated and the unambiguous call identifier is integrated into the location message*. McCalmont *et al.* fails to disclose or suggest the claimed subject matter.

McCalmont *et al.* relates to automatic routing of a request for emergency services to the correct answering point, by providing an emergency services complex boundaries for a given answering point. The Examiner contends that, at col. 5, ll. 20-27, McCalmont *et al.* discloses the claimed subject matter. Applicants aver to the contrary.

The cited passage of McCalmont appears to disclose querying the ALI database with an emergency services query key (ESQK) to retrieve location information. No integration is performed by the ALI database. Furthermore, the cited reference does not disclose that the ESQK is *generated in a network node*, nor does the cited reference disclose that the ESQK is integrated into the signaling message. Rather, the ESQK of McCalmont is pre-generated, and is *not generated upon receipt of the signaling text message at a receiving node*, as set forth in claim 1. Accordingly, the cited portion of the reference fails to disclose or suggest that *the unambiguous call identifier is generated in a network node receiving the signaling message* and that *the unambiguous call identifier is integrated into the signaling message*, or that *a location message is generated and the unambiguous call identifier is integrated into the location message*, as claimed.

Claims 3-4 and 6-14 depend from independent claim 1, and as noted *supra*, McCalmont *et al.* fails to disclose or suggest each and every element of independent claim 1. Thus, the subject claims are not obvious in view of McCalmont *et al.*

With specific regard to dependent claim 4, it is respectfully submitted that McCalmont fails to teach or suggest sending a signaling text message via electronic mail. The Examiner contends that because McCalmont mentions networks that send information in a "packet-based" format, McCalmont suggests sending a signaling text message via email. Applicant's representative respectfully disagrees and points out that McCalmont is silent with regard sending any type of information via electronic mail.

In view of the foregoing, it is readily apparent that McCalmont fails to make obvious independent claim 1 (and claims 3, 4, and 6-14 dependent therefrom). Accordingly, it is respectfully requested that this rejection be withdrawn.

B. Claim 5 Is Not Made Obvious By McCalmont

Independent claim 5 originally depended from claim 1, and was rewritten in independent form in response to the second Final Office Action, dated June 22, 2009, to include all of the aspects of claim 1, from which it previously depended, and sets forth that the text message is sent via a short message service (SMS) message. In the same argument proffered to reject claim 4, the Examiner contends that because McCalmont mentions networks that send information in a "packet-based" format (Column 10, lines 56-65, and Column 11, lines 1-24), McCalmont suggests sending a signaling text message via SMS. In the Advisory Action dated October 5, 2009, the Examiner provides further detail as to his rationale for rejecting independent claim 5, again citing

the packet-based networks of McCalmont as obviating the claimed limitation of sending a signaling message as a text message sent as an SMS message, as recited in independent claim 5. Applicant's representative respectfully disagrees and points out that McCalmont is silent with regard sending any type of information via an SMS messaging protocol.

Furthermore, the subject claim relates to setting up an emergency call by sending call center location data in a network. Data processing within a terminal thus can be mitigated, saving processing resources. To this end, independent claim 5 recites that the unambiguous call identifier is generated in a network node *receiving* the signaling message and that the unambiguous call identifier is integrated into the signaling message. In addition, independent claim 5 recites that a location message is generated and the unambiguous call identifier is integrated into the location message. McCalmont *et al.* fails to disclose or suggest the claimed subject matter.

McCalmont *et al.* relates to automatic routing of a request for emergency services to the correct answering point, by providing an emergency services complex boundaries for a given answering point. The Examiner contends that, at col. 5, ll. 20-27, McCalmont *et al.* discloses the claimed subject matter. Applicants aver to the contrary.

The cited passage of McCalmont appears to disclose querying the ALI database with an emergency services query key (ESQK) to retrieve location information. No integration is performed by the ALI database. Furthermore, the cited reference does not disclose that the ESQK is generated in a network node, nor does the cited reference disclose that the ESQK is integrated into the signaling message. Rather, the ESQK of McCalmont is pre-generated, and is not generated upon receipt of the signaling text

message at a receiving node, as set forth in claim 5. Accordingly, the cited portion of the reference fails to disclose or suggest that the unambiguous call identifier is generated in a network node receiving the signaling message and that the unambiguous call identifier is integrated into the signaling message, or that a location message is generated and the unambiguous call identifier is integrated into the location message, as claimed.

In view of the foregoing, it is readily apparent that McCalmont fails to make obvious independent claim 5. Accordingly, it is respectfully requested that this rejection be withdrawn.

C. Claim 15 Is Not Made Obvious By McCalmont

Claim 15 recites, among other things, generating a text-type message including data representative of the location of the terminal and sending it to a call center. Additionally, claim 15 sets forth receiving the signaling message from a terminal at a network node, wherein upon receipt of the signaling message the network node generates an unambiguous call identifier for the terminal.

The Examiner cites column 16, lines 33-34, which state that additional caller information may include information that is delivered visually to a public safety answering point operator. The Examiner further contends that the visual information therefore is a text message. However, the visual information of McCalmont is not further described. Furthermore, nowhere in McCalmont is there mention of a text-type message. Absent such description, it is clear that McCalmont's visual information is not, and was not intended to be, a text message.

In the Advisory Action dated October 5, 2009, the Examiner provides further detail as to his rationale for rejecting independent claim 15, again citing the visually displayed information of McCalmont as obviating the claimed limitation of generating a text-type message and sending it to a call center, as recited in independent claim 15. However, "text-type message" as used in independent claim 15 is consistent with the common understanding of the phrase as meaning a text message such as is commonly sent from, for example, a mobile phone or other personal computing/communication device (e.g., when one person "texts" another person). Clearly, merely displaying information visually to an operator (e.g., on a computer screen) where the displayed information happens to include caller identification information, does not obviate generating and sending the claimed text-type message.

Furthermore, the subject claim relates to setting up an emergency call by sending call center location data in a network. Data processing within a terminal thus can be mitigated, saving processing resources. To this end, independent claim 15 recites that an unambiguous call identifier is determined in a network node receiving the signaling message and that the unambiguous call identifier sent to the call center in the signaling message. In addition, independent claim 15 recites that the text-type message is generated that includes the unambiguous call identifier and the location of the terminal. McCalmont *et al.* fails to teach or suggest the claimed subject matter.

McCalmont *et al.* relates to automatic routing of a request for emergency services to the correct answering point, by providing an emergency services complex boundaries for a given answering point. The Examiner contends that, at col. 5, ll. 20-27, McCalmont *et al.* discloses the claimed subject matter. Applicants aver to the contrary.

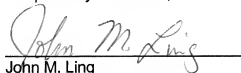
The cited passage of McCalmont appears to disclose querying the ALI database with an emergency services query key (ESQK) to retrieve location information. No integration is performed by the ALI database. Furthermore, the cited reference does not disclose that the ESQK is generated in a network node, nor does the cited reference disclose that the ESQK is integrated into the signaling message. Rather, the ESQK of McCalmont is pre-generated, and is not generated upon receipt of the signaling text message at a receiving node, as set forth in claim 15. Accordingly, the cited portion of the reference fails to disclose or suggest that the unambiguous call identifier is determined in a network node receiving the signaling message and that the unambiguous call identifier is included in the signaling message when it is sent to the call center, or that a text-type message is generated and includes the unambiguous call identifier and terminal location, as claimed.

In view of the foregoing, it is readily apparent that McCalmont fails to make obvious independent claim 15. Accordingly, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1 and 3-15 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of claims 1 and 3-15.

Respectfully submitted,

A handwritten signature in cursive script, reading "John M. Ling", is written over a horizontal line.

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APPENDICES

VIII. CLAIMS APPENDIX

Claims involved in the Appeal are as follows:

1. (Previously Presented) Method of sending call center data representative of a location of a communication terminal, the method comprising:

constituting and then sending to the call center:

a signaling message requesting the setting up of a call between the terminal and the call center, wherein the signaling message comprises an unambiguous call identifier, and

a location message comprising data representative of the location of the calling terminal and the unambiguous call identifier, and

in the call center, associating the signaling message and a location message received by the call center and comprising the unambiguous call identifier,

characterized in that, to constitute the signaling message comprising the unambiguous call identifier, the unambiguous call identifier is generated in a network node receiving the signaling message sent by the terminal and requesting the setting up of a call and the unambiguous call identifier is integrated into the signaling message aimed at the call center and requesting the setting up of a call, and, to constitute the location message comprising the unambiguous call identifier, the location message is generated and the unambiguous call identifier is integrated into the location message;

wherein said signaling message is a text message.

2. (Cancelled)

3. (Previously Presented) The method according to claim 1, wherein the user-to-user signaling channel is used to send the text message over an integrated services digital network using synchronous time division multiplexing.

4. (Previously Presented) The method according to claim 1, wherein said text message is sent via electronic mail.

5. (Previously Presented) A method of sending call center data representative of a location of a communication terminal, the method comprising:

constituting and then sending to the call center:

a signaling message requesting the setting up of a call between the terminal and the call center, wherein the signaling message comprises an unambiguous call identifier, and

a location message comprising data representative of the location of the calling terminal and the unambiguous call identifier, and

in the call center, associating the signaling message and a location message received by the call center and comprising an unambiguous call identifier,

characterized in that, to constitute the signaling message comprising the unambiguous call identifier, the unambiguous call identifier is generated in a network node receiving the signaling message sent by the terminal and requesting the setting up of a call and the unambiguous call identifier is integrated into the signaling message

aimed at the call center and requesting the setting up of a call, and, to constitute the location message comprising the unambiguous call identifier, a location message is generated and the unambiguous call identifier is integrated into the location message;

wherein said signaling message is a text message;

wherein said text message is sent via an SMS type short message.

6. (Previously Presented) The method according to claim 1, wherein location data of the terminal is determined by a location server belonging to a network to which said terminal is connected, after which said text message is generated and sent by a text message server belonging to said network.

7. (Previously Presented) The method according to claim 1, wherein said text message includes a field dedicated to data representative of the nature of the unambiguous call identifier followed by a field dedicated to said unambiguous call identifier and at least one field dedicated to data representative of said location.

8. (Previously Presented) The method according to claim 7, characterized in that said nature of the unambiguous call identifier designates at least one number selected from:

a direct dialing inwards number integrated into said signaling message and representing said terminal in the network to which it is connected,

a pseudo-direct dialing inwards number integrated into said signaling message and representing said terminal in the network to which it is connected,

a generic number integrated into said signaling message and representing an entity to which said terminal is attached,

a generic number and a pseudo-direct dialing inward number, both integrated into said signaling message and respectively representing an entity to which said terminal is attached and said calling terminal in the network to which it is connected,

a generic number and an area identifier, both integrated into said signaling message and respectively representing an entity to which said terminal is attached and a geographical area in which said terminal is situated.

9. (Previously Presented) The method according to claim 7, characterized in that said text message includes at least three fields dedicated to location data, a first field being dedicated to a latitude measurement, a second field being dedicated to a longitude measurement and a third field being dedicated to an altitude measurement.

10. (Previously Presented) The method according to claim 9, characterized in that said text message includes at least three fields respectively dedicated to the resolutions of the latitude, longitude and altitude measurements and respectively associated with said first, second and third location fields.

11. (Previously Presented) The method according to claim 8, characterized in that said text message includes a field dedicated to data representative of the altitude measurement type.

12. (Previously Presented) The method according to claim 1, characterized in that said unambiguous call identifier is placed in a free field of said signaling message requesting the setting up of a call between the terminal and a call center (ECC).

13. (Previously Presented) The method according to claim 1, characterized in that said unambiguous call identifier is a number selected from a selected set of numbers.

14. (Previously Presented) The method according to claim 13, characterized in that said set is specific to the network to which said calling terminal is connected.

15. (Previously Presented) Device for aiding the location of a communication terminal by a call center, characterized in that it comprises means for:

receiving a signaling message sent by the terminal and requesting the setting up of a call between the terminal and a call center and then determining an unambiguous call identifier in a network node,

instructing the sending of the unambiguous call identifier to said call center in the signaling message requesting the setting up of a call,

generating a text type message including data representative of the location of said terminal and the unambiguous calling identifier, and

instructing the sending of said text message to said call center so the said call center can associate the location data that it contains with said signaling message requesting the setting up of a call.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE